

Passed  
35-5

Mrs. McCarthy

**AMENDMENT OFFERED BY MR. KILDEE AND MR.  
SOUDER TO THE  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1**

Strike pages VA-1 and all that follows through VA-  
37 and insert the following:

**1 TITLE V—21ST CENTURY  
2 SCHOOLS**

**3 SEC. 501. SAFE SCHOOLS.**

4 Title V, except part B (which is transferred and re-  
5 designated as subpart 2 of part D of title IV by section  
6 432 of this Act) is amended to read as follows:

**7 “TITLE V—21ST CENTURY  
8 SCHOOLS**

**9 “PART A—SUPPORTING VIOLENCE AND DRUG  
10 PREVENTION AND ACADEMIC ENRICHMENT**

**11 “SEC. 5001. SHORT TITLE.**

12 “This part may be cited as the ‘21st Century Schools  
13 Act of 2001’.

**14 “SEC. 5002. PURPOSE.**

15 “The purpose of this part is to support programs that  
16 prevent the use of illegal drugs, prevent violence, provide  
17 quality before and after school activities and supervision  
18 for school age youth, involve parents and communities,

1 and are coordinated with related Federal, State, and com-  
2 munity efforts and resources to foster a safe and drug-  
3 free learning environment in which students increase their  
4 academic achievement, through the provision of Federal  
5 assistance to—

6 “(1) States for grants to local educational agen-  
7 cies and consortia of such agencies to establish, op-  
8 erate, and improve local programs of drug and vio-  
9 lence prevention in elementary and secondary  
10 schools;

11 “(2) States for grants to local educational agen-  
12 cies, community-based organizations, and other pub-  
13 lic entities and private organizations, for before and  
14 after school programs for youth; and

15 “(3) States and public and private nonprofit  
16 and for-profit organizations to conduct training,  
17 demonstrations, and evaluations.

18 **“SEC. 5003. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated—

20 “(1) \$ 475,000,000 for fiscal year 2002,  
21 and such sums as may be necessary for each of the  
22 4 succeeding fiscal years, for State grants under  
23 subpart 1; and

24 “(2) \$ 900,000,000 for fiscal year 2002,  
25 and such sums as may be necessary for each of the

1 four succeeding fiscal years, for State grants under  
2 subpart 2.

3 “(3) \$60,000,000 for fiscal year 2002, and for  
4 each of the 4 succeeding fiscal years, for national  
5 programs under subpart 3.

6 **“Subpart 1—Safe Schools**

7 **“SEC. 5111. RESERVATIONS AND ALLOTMENTS.**

8 “(a) RESERVATIONS.—From the amount made avail-  
9 able under section 5003(1) to carry out this subpart for  
10 each fiscal year, the Secretary—

11 “(1) shall reserve 1 percent or  
12 \$ 4,750,000 (whichever is greater) of such  
13 amount for grants to Guam, American Samoa, the  
14 United States Virgin Islands, and the Common-  
15 wealth of the Northern Mariana Islands, to be allot-  
16 ted in accordance with the Secretary's determination  
17 of their respective needs and to carry out programs  
18 described in this subpart;

19 “(2) shall reserve 1 percent or  
20 \$ 4,750,000 (whichever is greater) of such  
21 amount for the Secretary of the Interior to carry out  
22 programs described in this subpart for Indian youth;

23 “(3) shall reserve 0.2 percent of such amount  
24 for Native Hawaiians to be used to carry out pro-  
25 grams described in this subpart;

1           “(4) notwithstanding section 3 of the Leave No  
2       Child Behind Act of 2001, shall reserve an amount  
3       necessary to make continuation grants to grantees  
4       under part I of title X of this Act (under the terms  
5       of those grants), as such part existed on the day be-  
6       fore the effective date of the Leave No Child Behind  
7       Act of 2001; and

8           “(5) notwithstanding section 3 of the Leave No  
9       Child Behind Act of 2001, shall reserve an amount  
10      necessary to make continuation grants to grantees  
11      under the Safe Schools/Healthy Students initiative  
12      (under the terms of those grants), as it existed on  
13      the day before the date of the effective date of the  
14      Leave No Child Behind Act of 2001.

15      “(b) STATE ALLOTMENTS.—

16           “(1) IN GENERAL.—Except as provided in para-  
17      graph (2), the Secretary, for each fiscal year, shall  
18      allocate among the States—

19           “(A) one-half of the remainder not re-  
20      served under subsection (a) according to the  
21      ratio between the school-aged population of  
22      each State and the school-aged population of all  
23      the States; and

24           “(B) one-half of such remainder according  
25      to the ratio between the amount each State re-

1           ceived under part A of title I for the preceding  
2           year and the sum of such amounts received by  
3           all the States.

“(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

9           “(c) REALLOTMENT OF UNUSED FUNDS.—If any  
10 State does not apply for an allotment under this subpart  
11 for a fiscal year, the Secretary shall reallocate the amount  
12 of the State’s allotment to the remaining States in accord-  
13 ance with this section.

14       “(d) DEFINITION.—For the purposes of this section,  
15 the term ‘Native Hawaiian’ means any individual any of  
16 whose ancestors were natives, prior to 1778, of the area  
17 which now comprises the State of Hawaii.

18 "SEC. 5112. RESERVATION OF STATE FUNDS FOR SAFE  
19 SCHOOLS.

20      “(a) STATE RESERVATION.—

21 “(1) Governor’s allocation.—

22 “(A) IN GENERAL.—The chief executive of-  
23 ficer of a State may reserve not more than 20  
24 percent of the total amount allocated to a State  
25 under section 5111(b) for each fiscal year to

1       award competitive grants and contracts to local  
2       educational agencies, community-based organi-  
3       zations, and other public entities and private  
4       organizations for programs or activities to sup-  
5       port community efforts that complement activi-  
6       ties of local education agencies described in sec-  
7       tion 5115. Such officer shall award grants  
8       based on—

9               “(i) the quality of the activity or pro-  
10              gram proposed; and

11             “(ii) how the program or activity is  
12             aligned with the appropriate principles of  
13             effectiveness described in section 5114(a).

14           “(B)     SPECIAL     CONSIDERATION.—In  
15       awarding funds under subparagraph (A), a  
16       chief executive officer shall give special consid-  
17       eration to grantees that pursue a comprehensive  
18       approach to drug and violence prevention by  
19       providing and incorporating mental health serv-  
20       ices in their programs.

21           “(C)   ADMINISTRATIVE COSTS.—The chief  
22       executive officer of a State may use not more  
23       than 1 percent of the amount described in sub-  
24       paragraph (A) for the administrative costs in-

1           curred in carrying out the duties of such officer  
2           under this section.

3           “(b) STATE FUNDS.—

4           “(1) ADDITIONAL RESERVATIONS.—Each State  
5           shall reserve an amount equal to the total amount  
6           allotted to a State under section 5111(b), less the  
7           amount reserved under subsection (a) and para-  
8           graphs (2) and (3) of this subsection, for each fiscal  
9           year for its local educational agencies.

10          “(2) STATE ACTIVITIES.—A State may use not  
11          more than 4 percent of the total amount available  
12          under subsection (a) for State activities described in  
13          subsection (c).

14          “(3) STATE ADMINISTRATION.—A State may  
15          use not more than 1 percent of the amount made  
16          available under subsection (a) for the administrative  
17          costs of carrying out its responsibilities under this  
18          subpart.

19          “(c) ACTIVITIES.—

20          “(1) IN GENERAL.—A State shall use a portion  
21          of the funds described in subsection (b)(2), either di-  
22          rectly, or through grants and contracts, to plan, de-  
23          velop, and implement capacity building, technical as-  
24          sistance, evaluation, program improvement services,  
25          and coordination activities for local educational

1 agencies, community-based organizations, other pub-  
2 lic entities, and private organizations that are de-  
3 signed to support the implementation of programs  
4 and activities under this subpart.

5 “(2) DATA COLLECTION.—

6 “(A) STATISTICS.—A State may use a por-  
7 tion of the funds, not to exceed 20 percent, de-  
8 scribed in subsection (b)(2), either directly or  
9 through grants and contracts, to establish and  
10 implement a statewide system of collecting data  
11 regarding statistics on—

12 “(i) truancy rates; and

13 “(ii) the frequency, seriousness, and  
14 incidence of violence and drug related of-  
15 fenses resulting in suspensions and expul-  
16 sion in elementary and secondary schools  
17 in States.

18 “(B) COMPILATION OF STATISTICS.—The  
19 statistics shall be compiled in accordance with  
20 definitions as determined in the State criminal  
21 code, but shall not identify victims of crimes or  
22 persons accused of crimes. The collected data  
23 shall include, incident reports by school offi-  
24 cials, anonymous student surveys, and anony-  
25 mous teacher surveys.



1           “(C) REPORTING.—Such data and statis-  
2           tics shall be reported to the public and shall be  
3           reported on a school-by-school basis.

4           “(D) LIMITATION.—Nothing in this sub-  
5           section shall be construed to authorize the Sec-  
6           retary to require particular policies, procedures,  
7           or practices with respect to crimes on school  
8           property or school security.

9           “(3) SAFE SCHOOLS.—The State shall establish  
10          and implement a statewide policy requiring that stu-  
11          dents attending persistently dangerous public ele-  
12          mentary and secondary schools, as determined by  
13          the State, or who become a victim of a violent crimi-  
14          nal offense, as defined by State law, while in or on  
15          the grounds of a public elementary school or sec-  
16          ondary school that the student attends, be allowed to  
17          attend a safe public elementary or secondary school,  
18          within the local educational agency, including a pub-  
19          lic charter school and allowing payment of reason-  
20          able transportation costs and tuition costs for such  
21          students.

22   **“SEC. 5113. STATE APPLICATION.**

23          “(a) IN GENERAL.—In order to receive an allotment  
24          under section 5111 for any fiscal year, a State shall sub-

1 mit to the Secretary, at such time as the Secretary may  
2 require, an application that—

3 “(1) describes the activities to be funded under  
4 section 5112(c);

5 “(2) describes how activities funded under this  
6 subpart will support State academic achievement  
7 standards in accordance with section 1111;

8 “(3) describes how funds under this subpart  
9 will be coordinated with programs under this Act,  
10 and other programs, as appropriate, in accordance  
11 with the provisions of section 8306;

12 “(4) provides an assurance that the application  
13 was developed in consultation and coordination with  
14 appropriate State officials and others, including the  
15 chief executive officer, the chief State school officer,  
16 the head of the State alcohol and drug abuse agency,  
17 the heads of the State health and mental health  
18 agencies, the head of the State criminal justice plan-  
19 ning agency, the head of the State child welfare  
20 agency, the head of the State board of education, or  
21 their designees, and representatives of parents, stu-  
22 dents, and community-based organizations;

23 “(5) provides an assurance that the State will  
24 cooperate with, and assist, the Secretary in con-

1       ducting data collection as required by section  
2       5116(a);

3           “(6) provides an assurance that the local edu-  
4       cational agencies in the State will comply with the  
5       provisions of section 8503 pertaining to the partici-  
6       pation of private school children and teachers in the  
7       programs and activities under this subpart;

8           “(7) provides an assurance that funds under  
9       this subpart will be used to increase the level of  
10      State, local, and other non-Federal funds that  
11      would, in the absence of funds under this subpart,  
12      be made available for programs and activities au-  
13      thorized under this subpart, and in no case supplant  
14      such State, local, and other non-Federal funds;

15          “(8) describes the results of the State’s needs  
16      and resources assessment for violence and illegal  
17      drug use prevention which shall be based on the re-  
18      sults of on-going evaluation (which may include data  
19      on the incidence and prevalence, age of onset, per-  
20      ception of health risk and perception of social dis-  
21      approval of violence and illegal drug use by youth in  
22      schools and communities and the prevalence of risk  
23      and protective factors or other scientifically based  
24      research variables in the school and community);

1           “(9)(A) provides a statement of the State’s per-  
2           formance measures for drug and violence prevention  
3           programs and activities to be funded under this part  
4           that shall be developed in consultation between the  
5           State and local officials and that consist of—

6                   “(i) performance indicators for drug and  
7                   violence prevention programs and activities; and

8                   “(ii) levels of performance for each per-  
9                   formance indicator;

10           “(B) a description of the procedures the State  
11           will use for assessing and publicly reporting progress  
12           toward meeting those performance measures; and

13           “(C) a plan for monitoring the implementation  
14           of, and providing technical assistance regarding, the  
15           activities and programs conducted by local edu-  
16           cational agencies, community-based organizations,  
17           other public entities, and private organizations under  
18           this subpart;

19           “(10) provides an assurance that the State will  
20           consult with a representative sample of local edu-  
21           cational agencies in the development of the definition  
22           of ‘persistently dangerous school’ for the purposes of  
23           section 5112(c)(3);

1           “(11) provides a description of how the State  
2       defines “persistently dangerous school” for the pur-  
3       poses of section 5112(c)(3);

4           “(12) provides an assurance that the State ap-  
5       plication will be available for public review after sub-  
6       mission of the application.

7       “(b) GENERAL APPROVAL.—A State application sub-  
8       mitted pursuant to subsection (a) shall be deemed to be  
9       approved by the Secretary unless the Secretary makes a  
10      written determination, prior to the expiration of the 90-  
11      day period beginning on the date that the Secretary re-  
12      ceives the application, that the application is in violation  
13      of this subpart.

14      “(c) DISAPPROVAL.—The Secretary shall not finally  
15      disapprove a State application, except after giving the  
16      State notice and opportunity for a hearing.

17      **“SEC. 5114. FORMULA GRANT PROGRAM.**

18      “(a) IN GENERAL.—

19           “(1) FUNDS TO LOCAL EDUCATIONAL AGEN-  
20      CIES.—A State shall provide the amount made avail-  
21      able to the State under this subpart, less the  
22      amounts reserved under sections 5111 and 5112 to  
23      local educational agencies for drug and violence pre-  
24      vention and education as follows:

1           “(A) 60 percent of such amount based on  
2           the relative amount such agencies received  
3           under part A of title I for the preceding fiscal  
4           year.

5           “(B) 40 percent of such amount to local  
6           educational agencies based on the relative en-  
7           rollments in public and private nonprofit ele-  
8           mentary and secondary schools within the  
9           boundaries of such agencies.

10          “(2) ADMINISTRATIVE COSTS.—Of the amount  
11          received under paragraph (1), a local educational  
12          agency may use not more than 1 percent for the ad-  
13          ministrative costs of carrying out its responsibilities  
14          under this subpart.

15          “(3) RETURN OF FUNDS TO STATE; REALLOCA-  
16          TION.—

17                 “(A) RETURN.—Except as provided in  
18                 subparagraph (B), upon the expiration of the 1-  
19                 year period beginning on the date that a local  
20                 educational agency receives its allocation—

21                         “(i) such agency shall return to the  
22                         State any funds from such allocation that  
23                         remain unobligated; and

24                         “(ii) the State shall reallocate any  
25                         such amount to local educational agencies

1           that have submitted plans for using such  
2           amount for programs or activities on a  
3           timely basis.

4           “(B) CARRYOVER.—In any fiscal year, a  
5           local educational agency, may retain for obliga-  
6           tion in the succeeding fiscal year—

7                   “(i) an amount equal to not more  
8                   than 25 percent of the allocation it re-  
9                   ceived under this subpart for such fiscal  
10                  year; or

11                   “(ii) upon a demonstration of good  
12                   cause by such agency and approval by the  
13                   State, an amount that exceeds 25 percent  
14                   of such allocation.

15           “(b) ELIGIBILITY.—

16                   “(1) IN GENERAL.—To be eligible to receive a  
17                   subgrant under this subpart, a local educational  
18                   agency desiring a subgrant shall submit an applica-  
19                   tion to the State. Such an application shall be  
20                   amended, as necessary, to reflect changes in the ac-  
21                   tivities and programs of the local educational agen-  
22                   cy.

23           “(c) DEVELOPMENT.—

24                   “(1) CONSULTATION.—

1           “(A) IN GENERAL.—A local educational  
2           agency shall develop its application through  
3           timely and meaningful consultation with State  
4           and local government representatives, represent-  
5           atives of schools to be served, school personnel,  
6           and community organizations with relevant and  
7           demonstrated expertise in drug and violence  
8           prevention activities, students and parents.

9           “(B) CONTINUED CONSULTATION.—On an  
10          ongoing basis, the local educational agency shall  
11          consult with such representatives and organiza-  
12          tions in order to seek advice regarding how best  
13          to coordinate such agency’s activities under this  
14          subpart with other related strategies, programs,  
15          and activities being conducted in the commu-  
16          nity.

17          “(2) DESIGN AND DEVELOPMENT.—To ensure  
18          timely and meaningful consultation, a local edu-  
19          cational agency at the initial stages of design and  
20          development of a program or activity shall consult,  
21          in accordance with this subsection, with appropriate  
22          entities and persons on issues regarding the design  
23          and development of the program or activity, includ-  
24          ing efforts to meet the principles of effectiveness de-  
25          scribed in section 5115(a).



1       “(d) CONTENTS OF APPLICATIONS.—

2               “(1) IN GENERAL.—An application submitted  
3       by a local educational agency under this section shall  
4       contain—

5               “(A) an assurance that the activities or  
6       programs to be funded support State academic  
7       achievement goals in accordance with section  
8       1111;

9               “(B) a detailed explanation of the local  
10       educational agency’s comprehensive plan for  
11       drug and violence prevention, which shall in-  
12       clude a description of—

13               “(i) how the plan will be coordinated  
14       with programs under this Act, other Fed-  
15       eral, State, and local programs for drug  
16       and violence prevention, in accordance with  
17       the provisions of section 8306;

18               “(ii) the local educational agency’s  
19       performance measures for drug and vio-  
20       lence prevention programs and activities,  
21       that shall consist of—

22               “(I) performance indicators for  
23       drug and violence prevention pro-  
24       grams and activities; and

1                   “(II) levels of performance for  
2                   each performance indicator;

3                   “(iii) how such agency will assess and  
4                   publicly report progress toward attaining  
5                   its performance measures;

6                   “(iv) the drug and violence prevention  
7                   activity or program to be funded, including  
8                   how the activity or program will meet the  
9                   principles of effectiveness described in sec-  
10                  tion 5115(a), and the means of evaluating  
11                  such activity or program; and

12                  “(v) how the services will be targeted  
13                  to schools and students with the greatest  
14                  need;

15                  “(C) a certification that a meaningful as-  
16                  sessment has been conducted to determine com-  
17                  munity needs (including consultation with com-  
18                  munity leaders, businesses, and school officials),  
19                  available resources and capacity in the public  
20                  and private sector (which may include an anal-  
21                  ysis based on data reasonably available at the  
22                  time on the incidence and prevalence, age of  
23                  onset, perception of health risk, and perception  
24                  of social disapproval of drug use and violence  
25                  by youth in schools and communities, preva-

1           lence of risk and protective factors, buffers or  
2           assets, or other scientifically based research  
3           variables in the school and community), the  
4           findings of such assessments;

5           “(D) an assurance that funds under this  
6           subpart will be used to increase the level of  
7           State, local, and other non-Federal funds that  
8           would, in the absence of funds under this sub-  
9           part, be made available for programs and activi-  
10          ties authorized under this subpart, and in no  
11          case supplant such State, local, and other non-  
12          Federal funds;

13          “(E) a description of the mechanisms used  
14          to provide effective notice to the community of  
15          an intention to submit an application under this  
16          title;

17          “(F) an assurance that drug prevention  
18          programs supported under this part convey a  
19          clear and consistent message that the illegal use  
20          of drugs is wrong and harmful;

21          “(G) an assurance that the local edu-  
22          cational agency has established and imple-  
23          mented a student code of conduct policy that  
24          clearly states responsibilities of students, teach-  
25          ers, and administrators in maintaining a class-

1 room environment that allows a teacher to com-  
2 municate effectively with all students in the  
3 class, that allows all students in the class to  
4 learn, has consequences that are fair and ap-  
5 propriate for violations, and is enforced equi-  
6 tably;

7 “(H) an assurance that the application and  
8 any waiver request will be available for public  
9 review after submission of the application; and

10 “(I) such other information and assurances  
11 as the State may reasonably require.

12 “(2) GENERAL APPROVAL.—A local educational  
13 agency’s application submitted to the State under  
14 this subpart shall be deemed to be approved by the  
15 State unless the State makes a written determina-  
16 tion, prior to the expiration of the 90-day period be-  
17 ginning on the date that the State receives the appli-  
18 cation, that the application is in violation of this  
19 subpart.

20 “(3) DISAPPROVAL.—The State shall not finally  
21 disapprove a local educational agency application,  
22 except after giving such agency notice and an oppor-  
23 tunity for a hearing.

24 **“SEC. 5115. AUTHORIZED ACTIVITIES.**

25 “(a) **PRINCIPLES OF EFFECTIVENESS.—**

1           “(1) IN GENERAL.—For a program or activity  
2       developed pursuant to this subpart to meet the prin-  
3       ciples of effectiveness, such program or activity  
4       shall—

5           “(A) be based upon an assessment of ob-  
6       jective data regarding the incidence of violence  
7       and illegal drug use in the elementary and sec-  
8       ondary schools and communities to be served,  
9       including an objective analysis of the current  
10      conditions and consequences regarding violence  
11      and illegal drug use, including delinquency and  
12      serious discipline problems, among students  
13      who attend such schools (including private  
14      school students who participate in the drug and  
15      violence prevention program) that is based on  
16      ongoing local assessment or evaluation activi-  
17      ties;

18          “(B) be based upon an established set of  
19      performance measures aimed at ensuring that  
20      the elementary and secondary schools and com-  
21      munities to be served by the program have a  
22      drug-free, safe, and orderly learning environ-  
23      ment; and

24          “(C) be based upon scientifically based re-  
25      search that provides evidence that the program

1 to be used will reduce violence and illegal drug  
2 use.

3 “(2) PERIODIC EVALUATION.—The program or  
4 activity shall undergo a periodic evaluation to assess  
5 its progress toward reducing violence and illegal  
6 drug use in schools to be served based on perform-  
7 ance measures described in section 5114(d)(1)(B)(ii)  
8 The results shall be used to refine, improve, and  
9 strengthen the program, and to refine the perform-  
10 ance measures. The results shall also be made avail-  
11 able to the public upon request, with public notice  
12 of such availability provided.

13 “(3) WAIVER.—A local educational agency may  
14 apply to the State for a waiver of the requirement  
15 of paragraph (1)(C) to allow innovative activities or  
16 programs that demonstrate substantial likelihood of  
17 success.

18 “(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

19 “(1) PROGRAM REQUIREMENTS.—A local edu-  
20 cational agency shall use funds made available under  
21 section 5114 to develop, implement, and evaluate  
22 comprehensive programs and activities, which are co-  
23 ordinated with other school and community-based  
24 services and programs, that shall—

1           “(A) support State academic achievement  
2 goals in accordance with section 1111;

3           “(B) be consistent with the principles of  
4 effectiveness described in subsection (a);

5           “(C) be designed to—

6               “(i) prevent or reduce violence and il-  
7 legal drug use, delinquency, serious dis-  
8 cipline problems, and poor academic  
9 achievement and illegal drug use; and

10               “(ii) create a well disciplined environ-  
11 ment conducive to learning, which includes  
12 consultation between teachers, principals,  
13 and other school personnel to identify early  
14 warning signs of drug use and violence and  
15 to provide behavioral interventions as part  
16 of classroom management efforts; and

17           “(D) include activities to promote the in-  
18 volvement of parents in the activity or program,  
19 to promote coordination with community groups  
20 and coalitions, and government agencies, and to  
21 distribute information about the local edu-  
22 cational agency’s needs, goals, and programs  
23 under this subpart.

24           “(2) AUTHORIZED ACTIVITIES.—Each local  
25 educational agency or consortium of such agencies,

1       that receives a subgrant under this subpart may use  
2       such funds to carry out activities, such as—

3               “(A) developmentally appropriate drug and  
4       violence prevention programs in both elemen-  
5       tary and secondary schools that incorporate a  
6       variety of prevention strategies and activities,  
7       which may include—

8               “(i) teaching students that most peo-  
9       ple do not use illegal drugs;

10              “(ii) teaching students to recognize  
11       social and peer pressure to use illegal  
12       drugs and the skills for resisting illegal  
13       drug use;

14              “(iii) teaching students about the dan-  
15       gers of emerging drugs;

16              “(iv) engaging students in the learn-  
17       ing process;

18              “(v) incorporating activities in sec-  
19       ondary schools that reinforce prevention  
20       activities implemented in elementary  
21       schools; and

22              “(vi) involving families and commu-  
23       nities in setting clear expectations against  
24       violence and illegal drug use and enforcing



1 appropriate consequences for violence and  
2 illegal drug use;

3 “(B) training of school personnel and par-  
4 ents in youth drug and violence prevention, in-  
5 cluding training in early identification, interven-  
6 tion, and prevention of threatening behavior;

7 “(C) community-wide strategies for reduc-  
8 ing violence and illegal drug use, and illegal  
9 gang activity;

10 “(D) to the extent that expenditures do  
11 not exceed 20 percent of the amount made  
12 available to a local educational agency under  
13 this subpart, law enforcement and security ac-  
14 tivities, including—

15 “(i) acquisition and installation of  
16 metal detectors;

17 “(ii) hiring and training of security  
18 personnel, that are related to youth drug  
19 and violence prevention;

20 “(iii) reporting of criminal offenses on  
21 school property;

22 “(iv) development of comprehensive  
23 school security assessments;

24 “(E) expanding and improving school-  
25 based mental health services, including early

1 identification of violence and illegal drug use,  
2 assessment, and direct individual or group  
3 counseling services provided to students, par-  
4 ents, and school personnel by qualified school  
5 based mental health services personnel;

6 “(F) alternative education programs or  
7 services that reduce the need for suspensions or  
8 expulsions or programs or services for students  
9 who have been expelled or suspended from the  
10 regular educational settings, including programs  
11 or services to assist students to reenter the reg-  
12 ular education setting upon return from treat-  
13 ment or alternative education programs;

14 “(G) counseling, mentoring, and referral  
15 services, and other student assistance practices  
16 and programs, including assistance provided by  
17 qualified school based mental health services  
18 personnel and the training of teachers by  
19 school-based mental health service providers in  
20 appropriate identification and intervention tech-  
21 niques for students, at risk of violent behavior  
22 and drug use;

23 “(H) activities that reduce truancy;

24 “(I) age appropriate, developmentally  
25 based violence prevention and education pro-

1           grams that address the legal, health, personal,  
2           and social consequences of illegal drug use and  
3           violent and disruptive behavior and that include  
4           activities designed to help students develop a  
5           sense of individual responsibility and respect for  
6           the rights of others, and to resolve conflicts  
7           without violence;

8           “(J) providing guidance to students that  
9           encourages students to seek advice for anxiety,  
10          threats of violence, or actual violence and to  
11          confide in a trusted adult regarding an uncom-  
12          fortable or threatening situation;

13          “(K) the development of educational pro-  
14          grams that prevent school based crime, includ-  
15          ing preventing crimes motivated by hate that  
16          result in acts of physical violence at school and  
17          any programs or published materials that ad-  
18          dress school based crime shall not recommend  
19          or require any action that abridges or infringes  
20          upon the constitutionally protected rights of  
21          free speech, religion, and equal protection of  
22          students, their parents, or legal guardians;

23          “(L) testing students for illegal drug use  
24          or conducting student locker searches for illegal

1 drugs or drug paraphernalia consistent with the  
2 4th amendment to the Constitution;

3 “(M) emergency intervention services fol-  
4 lowing traumatic crisis events, such as a shoot-  
5 ing, major accident, or a drug-related incident,  
6 that has disrupted the learning environment;

7 “(N) establishing and implementing a sys-  
8 tem for transferring suspension and expulsion  
9 records by a local educational agency to any  
10 public or private elementary or secondary  
11 school;

12 “(O) allowing students attending a persist-  
13 ently dangerous public elementary or secondary  
14 school, as determined by the State, or who be-  
15 come a victim of a violent criminal offense, as  
16 defined by State law, while in or on the grounds  
17 of a public elementary school or secondary  
18 school that the student attends, to attend a safe  
19 public elementary or secondary school, within  
20 the local educational agency, including a public  
21 charter school, and allowing payment of reason-  
22 able transportation costs and tuition costs for  
23 such students;

24 “(P) the development and implementation  
25 of character education and training programs

1           that reflect values, that take into account the  
2           views of parents or guardians of the student for  
3           whom the program is intended, which may in-  
4           clude honesty, citizenship, courage, justice, re-  
5           spect, personal responsibility, and trust-  
6           worthiness;

7                 “(Q) establishing and maintaining a school  
8           violence hotline; and

9                 “(R) the evaluation of any of the activities  
10          authorized under this subsection and the collec-  
11          tion of any data required by this part.

12   **“SEC. 5116. EVALUATION AND REPORTING.**

13         “(a) DATA COLLECTION.—

14                 “(1) IN GENERAL.—The National Center for  
15          Education Statistics shall report, and when appro-  
16          priate, collect data to determine the frequency, seri-  
17          ousness, and incidence of illegal drug use and vio-  
18          lence by youth in schools and communities in the  
19          States, using if appropriate, data submitted by the  
20          States pursuant to subsection (b).

21                 “(2) REPORT.—The Secretary shall submit to  
22          the Congress a report on the data collected under  
23          this subsection.

24         “(b) STATE REPORT.—

1           “(1) IN GENERAL.—Not later than October 1,  
2           2004, and every third year thereafter, the chief exec-  
3           utive officer of a State, in consultation with the  
4           State educational agency, shall submit to the Sec-  
5           retary a report on the implementation and effective-  
6           ness of State and local programs under this subpart.

7           “(2) SPECIAL RULE.—The report required by  
8           this subsection shall be—

9                   “(A) based on the State’s ongoing evalua-  
10           tion activities, and shall include data on the  
11           prevalence of violence and illegal drug use by  
12           youth in schools and communities; and

13                   “(B) made available to the public upon re-  
14           quest, with public notice of such availability  
15           provided.

16           “(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each  
17           local educational agency receiving funds under this sub-  
18           part shall submit to the State such information, and at  
19           such intervals as the State reasonably requires to complete  
20           the State report required by subsection (b), information  
21           on the prevalence of violence and illegal drug use by youth  
22           in the schools and the community and the progress of the  
23           local educational agency toward meeting its performance  
24           measures. The report shall be made available to the public

1 upon request, with public notice of such availability pro-  
2 vided.

3 **“Subpart 2—21st Century Schools**

4 **“SEC. 5121. STATE ALLOTMENTS FOR 21ST CENTURY**  
5 **SCHOOLS.**

6 “(a) STATE ALLOTMENTS.—

7 “(1) IN GENERAL.—Except as provided in para-  
8 graph (2), from the amount made available under  
9 section 5003(2) to carry out this subpart for each  
10 fiscal year, the Secretary shall allocate among the  
11 States—

12 “(A) one-half of such amount according to  
13 the ratio between the school-aged population of  
14 each State and the school-aged population of all  
15 the States; and

16 “(B) one-half of such amount according to  
17 the ratio between the amount each State re-  
18 ceived under part A of title I for the preceding  
19 year and the sum of such amounts received by  
20 all the States.

21 “(2) MINIMUM.—For any fiscal year, no State  
22 shall be allotted under this subsection an amount  
23 that is less than one-half of 1 percent of the total  
24 amount allotted to all the States under this sub-  
25 section.

1       “(b) REALLOTMENT OF UNUSED FUNDS.—If any  
2 State does not apply for an allotment under this subpart  
3 for a fiscal year, the Secretary shall reallocate the amount  
4 of the State’s allotment to the remaining States in accord-  
5 ance with this section.

6       “(c) STATE FUNDS.—

7           “(1) IN GENERAL.—Each State that receives a  
8 grant under this subpart shall reserve an amount  
9 equal to the amount allotted to such State under  
10 subsection (a), less the amount reserved under para-  
11 graphs <sup>and (3)</sup> (2) of this subsection, for each fiscal year for  
12 its local educational agencies.

13           “(2) STATE ADMINISTRATION.—A State may  
14 use not more than 1 percent of the amount made  
15 available under subsection (a) for the administrative  
16 costs of carrying out its responsibilities under this  
17 subpart.

18           “(3) STATE ACTIVITIES.—A State may use not  
19 more than 4 percent of the amount made available  
20 under subsection (a) for the following activities:

21               “(A) Monitoring and evaluation of pro-  
22 grams and activities assisted under this sub-  
23 part.

24               “(B) Providing capacity building, training,  
25 and technical assistance under this subpart.



1   **“SEC. 5122. STATE APPLICATION.**

2       “(a) IN GENERAL.—In order to receive an allotment  
3       under section 5121<sup>(a)</sup>~~1~~ for any fiscal year, a State shall  
4       submit to the Secretary, at such time as the Secretary may  
5       require, an application that—

6           “(1) designates the State educational agency as  
7       the agency responsible for the administration and  
8       supervision of programs assisted under this subpart;

9           “(2) describes the competitive procedures and  
10       criteria the State will use to ensure that grants  
11       under this subpart will support quality extended  
12       learning opportunities;

13          “(3) an assurance that the program will pri-  
14       marily target schools eligible for schoolwide pro-  
15       grams under section 1114;

16          “(4) describes the steps the State will take to  
17       ensure that programs implement effective strategies,  
18       including providing ongoing technical assistance and  
19       training, evaluation, and dissemination of promising  
20       practices;

21          “(5) describe how activities funded under this  
22       subpart will support State academic achievement  
23       goals in accordance with section 1111;

24          “(6) describe how funds under this  
25       subpart will be coordinated with programs  
26       under this Act, and other programs; as ap-

1                   appropriate, in accordance with the provi-  
2                   sions of section 8306;

3                   “(7) provides an assurance that funds under  
4                   this subpart will be used to increase the level of  
5                   State, local, and other non-Federal funds that  
6                   would, in the absence of funds under this subpart,  
7                   be made available for programs and activities au-  
8                   thorized under this subpart; and in no case supplant  
9                   such State, local, and other non-Federal funds:

10                  “(8) provides an assurance that the application  
11                  was developed in consultation and coordination with  
12                  appropriate State officials, including the chief State  
13                  school officer, the heads of the State health and  
14                  mental health agencies or their designees, represent-  
15                  atives of teachers, parents, students, the business  
16                  community, and community-based organizations, in-  
17                  cluding religious organizations;

18                  “(9) describes the results of the State’s needs  
19                  and resources assessment for before and after school  
20                  activities, which shall be based on the results of on-  
21                  going State evaluation activities;

22                  “(10) describes how the State will evaluate the  
23                  effectiveness of programs and activities carried out  
24                  under this subpart which shall include at a  
25                  minimum—

1           “(A) a description of the performance indi-  
2           cators and performance measures that will be  
3           used to evaluate programs and activities; and

4           “(B) public dissemination of the evalua-  
5           tions of programs and activities carried out  
6           under this subpart; and

7           “(11) provides for timely public notice of intent  
8           to file application and an assurance that the applica-  
9           tion will be available for public review after submis-  
10          sion of the application.

11          “(b) GENERAL APPROVAL.—A State application sub-  
12          mitted pursuant to subsection (a) shall be deemed to be  
13          approved by the Secretary unless the Secretary makes a  
14          written determination, prior to the expiration of the 90-  
15          day period beginning on the date that the Secretary re-  
16          ceives the application, that the application is in violation  
17          of this subpart.

18          “(c) DISAPPROVAL.—The Secretary shall not finally  
19          disapprove a State application, except after giving the  
20          State notice and opportunity for a hearing.

21          **“SEC. 5123. COMPETITIVE GRANT PROGRAM.**

22          “(a) IN GENERAL.—A State that receives funds  
23          under this subpart shall provide the amount made avail-  
24          able under section 5121 to eligible entities for 21st cen-

1 tury community learning programs in accordance with this  
2 subpart.

3 “(b) ELIGIBILITY.—

4 “(1) IN GENERAL.—To be eligible to receive a  
5 subgrant under this subpart, an eligible entity desir-  
6 ing a subgrant shall submit an application to the  
7 State that contains—

8 “(A) a description of the before and after  
9 school activity to be funded including—

10 “(i) an assurance that the program  
11 will take place in a safe and easily acces-  
12 sible facility;

13 “(ii) a description of how students  
14 participating in the center will travel safely  
15 to and from the community learning center  
16 and back home; and

17 “(iii) a description of how the eligible  
18 applicant will disseminate information  
19 about the project (including its location) to  
20 the community in a manner that is under-  
21 standable and accessible.

22 “(B) a description of how the activity is  
23 expected to improve student academic perform-  
24 ance;

1           “(C) a description of how the activity will  
2 meet the principles of effectiveness described in  
3 section 5124;

4           “(D) an assurance that the program will  
5 primarily target students who attend schools el-  
6 igible for schoolwide programs under section  
7 1114;

8           “(E) provides an assurance that funds  
9 under this subpart will be used to increase the  
10 level of State, local, and other non-Federal  
11 funds that would, in the absence of funds under  
12 this subpart, be made available for programs  
13 and activities authorized under this subpart;  
14 and in no case supplant such State, local, and  
15 other non-Federal funds;

16           “(F) a description of the partnership with  
17 local educational agency, a community-based or-  
18 ganization, and another public entity or private  
19 organization, if appropriate;

20           “(G) a certification that a meaningful as-  
21 sessment has been conducted to determine com-  
22 munity needs, available resources and capacity  
23 in the findings of such assessments, and a de-  
24 scription of the mechanisms used to provide ef-

1           fective notice to the community of an intention  
2           to submit an application under this subpart;

3           “(H) a description of the applicants experi-  
4           ence, or promise of success, in providing edu-  
5           cational or related activities that will com-  
6           pliment and enhance the student’s academic  
7           achievement;

8           “(I) an assurance that the applicant will  
9           develop a plan to continue the activity after  
10          funding under this subpart ends;

11          “(J) an assurance that the application and  
12          any waiver request will be available for public  
13          review after submission of the application; and

14          “(K) such other information and assur-  
15          ances as the State may reasonably require.

16          “(2) ELIGIBLE ENTITY.—An eligible entity  
17          under this subpart is a local educational agency,  
18          community-based organization, and other public en-  
19          tity or private organization or a consortium of two  
20          or more of such groups.

21          “(c) PEER REVIEW.—In reviewing local applications  
22          under this section, a State shall use a peer review process  
23          or other methods of assuring the quality of such applica-  
24          tions.

1       “(d) GEOGRAPHIC DIVERSITY.—To the extent prac-  
2 ticable, a State shall distribute funds equitably among geo-  
3 graphic areas within the State.

4       “(e) DURATION OF AWARDS.—Grants under this  
5 subpart may be awarded for a period of not less than 3  
6 years and not more than 5 years.

7       “(f) AMOUNT OF AWARDS.—A grant awarded under  
8 this subpart may not be made in an amount of less than  
9 \$50,000.

10       “(g) PRIORITY.—In making awards under this sub-  
11 part, the State shall give priority to applications submitted  
12 by applicants proposing to target services to students who  
13 attend schools that have been identified as in need of im-  
14 provement under section 1116.

15       “(h) PERMISSIVE LOCAL MATCH.—

16               “(1) IN GENERAL.—A State may require an eli-  
17 gible entity to match funds awarded under this sub-  
18 part, except that such match may not exceed the  
19 amount of the grant award.

20               “(2) SLIDING SCALE.—The amount of a match  
21 under paragraph (1) shall be established based on a  
22 sliding fee scale that takes into account—

23                       “(A) the relative poverty of the population  
24 to be targeted by the eligible entity; and

1                   “(B) the ability of the eligible entity to ob-  
2                   tain such matching funds.

3                   “(3) CONSIDERATION.—Notwithstanding this  
4                   subsection, a State shall not consider an eligible en-  
5                   tity’s ability to match funds when determining which  
6                   eligible entities will receive subgrants under this sub-  
7                   part.

8   **SEC. 5124. LOCAL ACTIVITIES.**

9                   “(a) PRINCIPLES OF EFFECTIVENESS.—

10                   “(1) IN GENERAL.—For a program or activity  
11                   developed pursuant to this subpart to meet the prin-  
12                   ciples of effectiveness, such program or activity  
13                   shall—

14                   “(A) be based upon an assessment of ob-  
15                   jective data regarding the need for before and  
16                   after school programs and activities in such  
17                   schools and communities;

18                   “(B) be based upon an established set of  
19                   performance measures aimed at ensuring the  
20                   availability of quality extended learning oppor-  
21                   tunities; and

22                   “(C) if appropriate, be based upon scientif-  
23                   ically based research that provides evidence that  
24                   the program will help students meet State and  
25                   local performance standards to be used.



1           “(2) PERIODIC EVALUATION.—The program or  
2           activity shall undergo a periodic evaluation to assess  
3           its progress toward achieving its goal of providing  
4           quality extended learning opportunities. The results  
5           shall be used to refine, improve, and strengthen the  
6           program, and to refine the performance measures.  
7           The results shall also be made available to the public  
8           upon request, with public notice of such availability  
9           provided.

10           “(3) WAIVER.—A local educational agency may  
11           apply to the State for a waiver of the requirement  
12           of paragraph (1)(C) to allow innovative activities or  
13           programs that demonstrate substantial likelihood of  
14           success.

15           “(b) SERVICES.—Each eligible entity that receives a  
16           subgrant under this subpart shall use such funds to estab-  
17           lish or expand activities in community learning centers  
18           that—

19           “(1) provide quality extended learning opportu-  
20           nities to help students, particularly students who at-  
21           tend low-performing schools, to meet State and local  
22           student performance standards in the core academic  
23           subjects, such as reading and mathematics; and

24           “(2) provide students with additional activities,  
25           such as drug and violence prevention programs, art

1       and music programs, technology education pro-  
2       grams, recreational activity, and character education  
3       programs that are linked to, and reinforce, the reg-  
4       ular academic program of schools those students at-  
5       tend.

6       “(c) AUTHORIZED ACTIVITIES.—Each eligible entity  
7       that receives a subgrant under this subpart may use such  
8       funds to carry out activities, such as—

9               “(1) before and after school activities that ad-  
10       vance student achievement, including—

11               “(A) remedial education activities and aca-  
12       demic enrichment learning programs, including  
13       providing additional assistance to students in  
14       order to allow them to improve their academic  
15       achievement;

16               “(B) math and science education activities;

17               “(C) arts and music education activities;

18               “(D) entrepreneurial education programs;

19               “(E) tutoring services (including those pro-  
20       vided by senior citizen volunteers) and men-  
21       toring programs;

22               “(F) recreational activities;

23               “(G) telecommunications and technology  
24       education programs;

25               “(H) expanded library service hours;

1                   “(I) programs that promote parental in-  
2                   volvement; and

3                   “(J) programs that provide assistance to  
4                   students who have been truant, suspended, or  
5                   expelled to allow them to improve their aca-  
6                   demic achievement; and

7                   “(2) establishing or enhancing programs or ini-  
8                   tiatives that improve academic achievement.

9                   “(d) DEFINITION.—For the purpose of this section,  
10 a ‘community learning center’ is an entity that assists stu-  
11 dents to meet State and local content and student per-  
12 formance standards in core academic subjects, such as  
13 reading and mathematics, by providing them with quality  
14 extended learning opportunities and related activities  
15 (such as drug and violence-prevention programs, art and  
16 music programs, recreational programs, technology edu-  
17 cation programs, and character education programs) that  
18 are linked to, and reinforce, the regular academic program  
19 of schools attended by the students served and is operated  
20 by a local educational agency, community-based organiza-  
21 tion, other public entity or private organization or a con-  
22 sortium of two or more such groups. Community learning  
23 centers shall operate outside school hours, such as before  
24 or after school or when school is not in session.

1                   **“Subpart 3—National Programs**

2   **“SEC. 5131. FEDERAL ACTIVITIES.**

3           “(a) PROGRAM AUTHORIZED.—

4                   “(1) IN GENERAL.—From funds made available  
5   to carry out this part under section 5003(3), the  
6   Secretary, in consultation with the Secretary of  
7   Health and Human Services, the Director of the Of-  
8   fice of National Drug Control Policy, and the Attor-  
9   ney General, shall evaluate the effectiveness of pro-  
10   grams and activities that prevent violence and the il-  
11   legal use of drugs by youth, that promote safety and  
12   discipline for students in elementary and secondary  
13   schools, and that provide before and after school su-  
14   pervision and academic enrichment, based on the  
15   needs reported by States and local educational agen-  
16   cies.

17                   “(2) COORDINATION.—The Secretary shall  
18   carry out activities described in paragraph (1) di-  
19   rectly, or through grants, contracts, or cooperative  
20   agreements with public and private nonprofit and  
21   for-profit organizations, and individuals, or through  
22   agreements with other Federal agencies, and shall  
23   coordinate such activities with other appropriate  
24   Federal activities.

25                   “(3) PROGRAMS.—Activities described in para-  
26   graph (1) may include—

1           “(A) demonstrations and rigorous scientif-  
2           ically based evaluations of innovative ap-  
3           proaches to drug and violence prevention and  
4           before and after school activities based on needs  
5           reported by State and local educational agen-  
6           cies;

7           “(B) the provision of information on drug  
8           abuse education and prevention to the Secretary  
9           of Health and Human Services for dissemina-  
10          tion by the clearinghouse for alcohol and drug  
11          abuse information established under section  
12          501(d)(16) of the Public Health Service Act;

13          “(C) the provision of information on vio-  
14          lence prevention and school safety to the Attor-  
15          ney General for dissemination; and

16          “(D) continuing technical assistance to  
17          chief executive officers, State agencies, and  
18          local educational agencies to build capacity to  
19          develop and implement high-quality, effective  
20          programs consistent with the principles of effec-  
21          tiveness.

22          “(b) PEER REVIEW.—The Secretary shall use a peer  
23          review process in reviewing applications for funds under  
24          this section.

1                   **“Subpart 4—Gun Possession**

2   **“SEC. 5141. GUN-FREE SCHOOL REQUIREMENTS.**

3       “(a) REQUIREMENTS.—

4               “(1) STATE LAW.—Each State receiving funds  
5       under this Act shall—

6               “(A) have in effect a State law requiring  
7       each local educational agency to expel from  
8       school for a period of not less than one year a  
9       student who is determined to have possessed a  
10      firearm in or at a school or on school grounds  
11      under the jurisdiction of a local educational  
12      agency in that State, except that such State law  
13      shall allow the chief administering officer of  
14      such local educational agency to modify such  
15      expulsion requirement for a student on a case-  
16      by-case basis; and

17              “(B) require each local educational agency  
18      to adopt a policy requiring each elementary and  
19      secondary school to refer to the criminal justice  
20      or juvenile delinquency system any student who  
21      possesses a firearm in school.

22              “(2) CONSTRUCTION.—Nothing in this part  
23      shall be construed to prevent a State from allowing  
24      a local educational agency that has expelled a stu-  
25      dent from such student’s regular school setting from

1 providing educational services to such student in an  
2 alternative setting.

3 “(b) REPORT TO STATE.—Each local educational  
4 agency requesting assistance from the State educational  
5 agency that is to be provided from funds made available  
6 to the State under this Act shall provide to the State, in  
7 the application requesting such assistance—

8 “(1) an assurance that such local educational  
9 agency is in compliance with the requirements of  
10 subsection (a); and

11 “(2) a description of the circumstances sur-  
12 rounding incidents of possessions and any expulsions  
13 imposed under the State law required by subsection  
14 (a)(1), including—

15 “(A) the name of the school concerned;

16 “(B) the number of students expelled from  
17 such school for firearm possession; and

18 “(C) the type of firearm concerned.

19 “(c) SPECIAL RULE.—The provisions of this section  
20 shall be construed in a manner consistent with the Individ-  
21 uals with Disabilities Education Act.

22 “(d) DEFINITIONS.—For the purpose of this  
23 subpart—

1           “(1) the term ‘firearm’ has the same meaning  
2           given to such term under section 921(a)(3) of title  
3           18, United States Code; and

4           “(2) the term ‘school’ does not include a home  
5           school, regardless of whether a home school is treat-  
6           ed as a private school under State law.

7           **“Subpart 5—General Provisions**

8           **“SEC. 5151. DEFINITIONS.**

9           “For the purposes of this part, the following terms  
10          have the following meanings:

11           “(1) BEFORE AND AFTER SCHOOL ACTIVI-  
12          TIES.—The term ‘before and after school activities’  
13          means academic, recreational, and enrichment activi-  
14          ties for school-age youth outside of the regular  
15          school hours or school year.

16           “(2) CONTROLLED SUBSTANCE.—The term  
17          ‘controlled substance’ means a drug or other sub-  
18          stance identified under Schedule I, II, III, IV, or V  
19          in section 202(c) of the Controlled Substances Act  
20          (21 U.S.C. 812(c)).

21           “(3) DRUG.—The term ‘drug’ includes con-  
22          trolled substances; the illegal use of alcohol and to-  
23          bacco; and the harmful, abusive, or addictive use of  
24          substances, including inhalants and anabolic  
25          steroids.



1           “(4) DRUG AND VIOLENCE PREVENTION.—The  
2 term ‘drug and violence prevention’ means—

3           “(A) with respect to drugs, prevention,  
4 early intervention, rehabilitation referral, or  
5 education related to the illegal use of drugs;  
6 and

7           “(B) with respect to violence, the pro-  
8 motion of school safety, such that students and  
9 school personnel are free from violent and dis-  
10 ruptive acts, on school premises, going to and  
11 from school, and at school-sponsored activities,  
12 through the creation and maintenance of a  
13 school environment that is free of weapons and  
14 fosters individual responsibility and respect for  
15 the rights of others.

16           “(5) NONPROFIT.—The term ‘nonprofit,’ as ap-  
17 plied to a school, agency, organization, or institution  
18 means a school, agency, organization, or institution  
19 owned and operated by one or more nonprofit cor-  
20 porations or associations, no part of the net earnings  
21 of which inures, or may lawfully inure, to the benefit  
22 of any private shareholder or individual.

23           “(6) SCHOOL-AGED POPULATION.—The term  
24 ‘school-aged population’ means the population aged  
25 5 through 17, as determined by the Secretary on the

1 basis of the most recent satisfactory data available  
2 from the Department of Commerce.

3 “(7) SCHOOL BASED MENTAL HEALTH SERV-  
4 ICES PROVIDER.—The term ‘school based mental  
5 health services provider’ includes a State licensed or  
6 State certified school counselor, school psychologist,  
7 school social worker, or other State licensed or cer-  
8 tified mental health professional qualified under  
9 State law to provide such services to children and  
10 adolescents.

11 “(8) SCHOOL PERSONNEL.—The term ‘school  
12 personnel’ includes teachers, principals, administra-  
13 tors, guidance counselors, social workers, psycholo-  
14 gists, nurses, librarians, and other support staff who  
15 are employed by a school or who perform services for  
16 the school on a contractual basis.

17 “(9) STATE.—The term ‘State’ means each of  
18 the 50 States, the District of Columbia, and the  
19 Commonwealth of Puerto Rico.

20 **“SEC. 5152. MESSAGE AND MATERIALS.**

21 “(a) ‘WRONG AND HARMFUL’ MESSAGE.—Drug pre-  
22 vention programs supported under this title shall convey  
23 a clear and consistent message that the illegal use of drugs  
24 is wrong and harmful.

1       “(b) CURRICULUM.—The Secretary shall not pre-  
2 scribe the use of specific curricula for programs supported  
3 under this part.

4       **“SEC. 5153. PARENTAL CONSENT.**

5       “Upon receipt of written notification from the par-  
6 ents or legal guardians of a student, the local educational  
7 agency shall withdraw such student from any program or  
8 activity funded under this title. The local educational  
9 agency shall make reasonable efforts to inform parents or  
10 legal guardians of the content of such programs or activi-  
11 ties funded under this title, other than classroom instruc-  
12 tion.

13       **“SEC. 5154. PROHIBITED USES OF FUNDS.**

14       “No funds under this part may be used for—

15               “(1) construction (except for minor remodeling  
16 needed to accomplish the purposes of this part); or

17               “(2) medical services, drug treatment or reha-  
18 bilitation, except for pupil services or referral to  
19 treatment for students who are victims of, or wit-  
20 nesses to, use of drugs or crime.